

CHAPTER 3

PLANNING COMMISSION

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11-3-010 Planning Commission.

There is hereby created, pursuant to Utah Code Ann. § 10-9-201, as amended, a Planning Commission of the City to recommend and monitor the planning and development of the City whose primary duty shall be to act as an advisory commission to the City Council on all matters pertaining to planning and zoning. The Planning Commission shall be known and may be referred to as the Farmington City Planning Commission.

11-3-020 Members.

(a) Number. The Planning Commission shall be comprised of seven (7) members who shall be appointed by the Mayor with the advice and consent of the City Council.

(b) Terms. The members shall be appointed to staggered terms of four (4) years, provided that members may be appointed to terms shorter than four (4) years when necessary to provide for staggered terms and efficient operation of the Commission. Members may be reappointed for successive terms.

(c) Alternate Members. Two (2) alternate members may be appointed by the Mayor with the advice and consent of the City Council. An alternate member may take the place and serve in the same capacity as a regular member in the event that a regular member is absent from a meeting. Alternate members shall serve for terms of one year, which may be renewed annually at the discretion of the Mayor with the advice and consent of the City Council.

(d) Removal. The members shall serve at the pleasure of the City Council, and the Mayor may remove any member of the Planning Commission upon majority vote of the City Council with or without cause.

(e) Vacancy. A vacancy occurring on the Planning Commission by reason of death, resignation, removal or disqualification, shall be promptly filled by a replacement appointed by the Mayor with the advice and consent of the City Council for the unexpired term of the replaced member.

(f) Compensation. The City Council may fix per diem compensation for the members of the Planning Commission, based upon necessary and reasonable expenses and on meetings actually attended by the members.

(g) Status. The members shall be deemed "volunteers" for purposes of City ordinances, rules, regulations, and policies concerning personnel, provided however, they shall

be included in the definition of "employee" for purposes of the Utah Governmental Immunity Act as set forth in Utah Code Ann. § 63-30-1, et seq., as amended.

11-3-030 Organization and Procedure.

The Planning Commission shall be organized and exercise its powers and duties as follows:

(a) **Chairperson.** The Planning Commission shall elect one of its members as Chairperson to oversee the proceedings and activities of the Planning Commission and one of its members to act as Vice-Chairperson to assist the Chairperson and to act as Chairperson in the event the Chairperson is unable to attend a meeting or act for any reason. The City Council shall ratify the Chairperson and Vice-Chairperson elected by the Planning Commission. The Chairperson and Vice-Chairperson shall serve for a term of one (1) year. The Chairperson or Vice-Chairperson acting as the Chairperson, shall have the power to vote on all matters. The Chairperson and Vice-chairperson may be elected for successive terms.

(b) **Rules.** The Planning Commission may adopt reasonable policies and procedures for governing the conduct of its meetings, the processing of applications, and for any other purposes considered necessary for the functioning of the Planning Commission. Such policies and procedures shall be approved by the City Council before taking effect.

(c) **Meetings.** The Planning Commission shall meet on the second and fourth Thursday of each month at the hour of 7:00 p.m., and/or such other times as deemed necessary by the Chairperson, City Manager or City Council. All meetings shall be properly noticed and held in accordance with the open meetings law set forth in Chapter 4, Title 52 of the Utah Code Annotated, as amended. Written minutes of all meetings of the Planning Commission shall be prepared and filed in the office of the City Recorder for review and access by the public in accordance with the City Government Records Access and Management Ordinance.

(d) **Quorum.** No official business shall be conducted by the Planning Commission unless a quorum of the members are present. Four (4) members of the Planning Commission shall constitute a quorum. Unless otherwise provided by law or City Ordinance, the minimum number of yes votes required for the Planning Commission to take action on any matter shall be by majority vote of the members of the quorum present. The concurring vote of four (4) members is necessary to reverse any order, requirement, decision or determination of any administrative official or agency or to decide in favor of the appellant.

11-3-040 Functions and Duties.

It shall be the function of the Planning Commission to oversee the proper development of property within the City in accordance with pertinent City Ordinances and provisions of Chapter 9, Title 10, of the Utah Code Annotated, as amended. The duties of the Planning Commission shall include, but shall not be limited to, the following:

(a) prepare and recommend a general plan, street plan, zoning map, zoning ordinances, and any other relevant proposals or recommendations to the City Council for the proper development of property within the City;

(b) prepare and recommend any additions, changes, or amendments to the City's general plan, street plan, zoning map, zoning ordinances or other relevant items to the City Council for the proper development of the City;

- (c) administer the provisions of the zoning ordinances;
- (d) recommend subdivision ordinances and regulations and amendments thereto to the City Council;
- (e) recommend approval or denial of subdivision applications;
- (f) advise the City Council on matters requested by the City Council;
- (g) hear or decide any matter that the City Council designates, including the approval or denial of, or recommendations to approve or deny, conditional use permits;
- (h) prepare and recommend programs for public improvements and the financing thereof to the City Council; and
- (i) exercise any other powers that are necessary to enable the Planning Commission to perform its function or that are delegated to it by the City Council.

SECTION 11-3-045 SPECIAL EXCEPTIONS.

(1) Purpose. A special exception is an activity or use incidental to or in addition to a principal use permitted in a zoning district or an adjustment to a fixed dimension standard permitted as an exception to the requirements of this Title or an adaptive reuse of a building or structure eligible, or that may be eligible, for the National Register of Historic Places so long as the adaptive re-use does not compromise such eligibility. A special exception has less potential impact than a conditional use but still requires careful review of such factors as location, design, configuration and/or impacts to determine the desirability of authorizing its establishment on any given site. This Section sets forth procedures for considering and approving special exceptions to the provisions of this Title.

(2) Authority. When expressly provided for under the provisions of this Title, the Planning Commission is authorized to approve special exceptions to the provisions of this Title in accordance with the terms and provisions set forth in this Section.

(3) Initiation. A property owner, or the owner's agent, may request a special exception to the provisions of this Title in accordance with the procedures set forth herein.

(4) Procedure. An application for a special exception shall be considered and processed as follows.

(a) A complete application shall be submitted to the Zoning Administrator in a form established by the City along with any fee established by the City's Fee Schedule. The application shall include at least the following information:

- (i) The name, address and telephone number of the applicant and the applicant's agent, if any.
- (ii) The address and parcel identification of the subject property.
- (iii) The zone, zone boundaries and present use of the subject property.
- (iv) A complete description of the proposed special exception.

- (v) A plot plan showing the following:
 - (A) applicant's name;
 - (B) site address;
 - (C) property boundaries and dimensions;
 - (D) layout of existing and proposed buildings, parking, landscaping, and utilities; and
 - (E) adjoining property lines and uses within one hundred (100) feet of the subject property.
- (vii) Such other and further information or documentation as the Zoning Administrator may deem necessary for a full and proper consideration and disposition of a particular application.
- (b) After the application is determined to be complete, the Zoning Administrator shall schedule a public meeting before the Planning Commission.
- (3) A staff report evaluating the application shall be prepared by the Zoning Administrator.
- (4) The Planning Commission shall hold a public meeting and thereafter shall approve, approve with conditions or deny the application pursuant to the standards set forth in Section 11-3-045(5) below. Any conditions of approval shall be limited to conditions needed to conform to the special exception to approval standards.
- (5) After the Planning Commission makes a decision, the Zoning Administrator shall give the applicant written notice of the decision.
- (6) A record of all special exceptions shall be maintained in the office of the Zoning Administrator.
- (5) Approval Standards. The following standards shall apply to the approval of a special exception.
 - (a) Conditions may be imposed as necessary to prevent or minimize adverse effects upon other property or improvements in the vicinity of the special exception, upon the City as a whole, or upon public facilities and services. These conditions may include but are not limited to conditions concerning use, construction, character, location, landscaping, screening, parking and other matters relating to the purposes and objectives of this Title. Such conditions shall be expressly set forth in the motion authorizing the special exception.
 - (b) The Planning Commission shall not authorize a special exception unless the evidence presented establishes the proposed special exception:

(i) Will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity;

(ii) Will not create unreasonable traffic hazards;

(iii) Is located on a lot or parcel of sufficient size to accommodate the special exception.

(6) Effect of Approval. A special exception shall not authorize the establishment of any use nor the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of applications for any approvals or permits that may be required by this Title or other applicable provisions of the Farmington City Municipal Code.

(7) Amendments. The procedure for amending a special exception shall be the same as the original procedure set forth in this section.

(8) Expiration. Subject to an extension of time, a special exception which is not exercised within one hundred eighty (180) days shall expire and have no further force or effect.

11-3-050 Appeals.

Any interested person aggrieved of a final decision of the Planning Commission may appeal such decision in accordance with the procedures set forth in Chapter 4 of this Title regarding rights of appeal.

11-3-200 and 11-3-300 Amended, 2/20/91, Ord. 91-10

Chapter 3 Renumbered and Recodified, 11/19/97, Ord. 97-55

11-3-045 Special Exceptions, 12/4/02, Ord. 2002-48

11-3-020 amended 2/6/07 Ord. 2007-08

11-3-045(1) amended 09/20/11 Ord 2011-18A